

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JEFFREY B. NIX EL,

Plaintiff,

v.

UNITED STATES OF AMERICA

Defendant.

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Civil No. **PJM 17-773**

MEMORANDUM OPINION

On March 7, 2016, *pro se* Plaintiff Jeffrey Nix El (“Nix El”) filed a three-count complaint in the United States District Court for the District of Columbia against the Internal Revenue Service (“IRS”) seeking \$2 million in damages. ECF No. 1. On July 1, 2016, the United States filed its first Motion to Dismiss. ECF No. 6. On February 10, 2017, the District Court for the District of Columbia transferred the case to this District of Maryland and ordered that the United States be substituted as the sole defendant. See ECF No. 10 at 4, 7.

On July 27, 2017, in this Court, the Government filed a Renewed Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on the grounds that Plaintiff has failed to state a claim upon which relief can be granted. On August 3, 2017, the Court mailed a Rule 12/Rule 56 letter to Nix El, advising him that he must file a response within 17 days of the date of the letter, i.e., by August 21, 2017, and that failure to do so could result in dismissal of his claims. ECF No. 16. The Court mailed its letter to 5300 Roberts Prospect Drive, Bowie, Maryland, the address Nix El had provided on the Complaint, civil cover sheet and in multiple documents attached to his Complaint. ECF No. 1 at 1, 7; ECF No. 1-1 at 1, 7, 9, 14 and 16. The Court’s letter was returned “unclaimed.” ECF No. 17.

On August 22, 2017, the Government filed a status report regarding Nix El's failure to respond to the Renewed Motion to Dismiss. ECF No. 18. On August 28, 2017, the Court issued an Order to Show Cause, directing that Nix El show good cause in writing within thirty days (30), i.e. by September 18, 2017, why his lawsuit should not be dismissed without prejudice. ECF No. 19. The Court mailed a copy of the Order to Nix El at 5300 Roberts Prospect Drive, Bowie, Maryland, the only address the Court had on file for him. On September 11, 2017, the copy was returned as "not deliverable." ECF No. 20.

Counsel for the Government represents that they have received no communications from Nix El and no response regarding the Renewed Motion to Dismiss. Nix El's last action in this case took place over a year ago, when he responded on August 1, 2016 to the United States' initial Motion to Dismiss. ECF No. 8. The Local Rules of this Court provide:

If no document has been filed in court in any action for more than nine (9) months, the Court may enter an order asking the parties to show cause why the case should not be dismissed. If good cause is not shown within . . . such other time as may be set by the Court, the case shall be dismissed without prejudice.

Local Rule 103.8(b).

Given that Nix El has not participated in this case in over a year and has failed to show good cause within thirty (30) days of the entry of the show cause order, as provided by the Court in ECF No. 19, his claims are **DISMISSED WITHOUT PREJUDICE** and the Clerk of the Court is directed to **CLOSE** this case.

A separate order shall issue.

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

October 17, 2017